

# **EXHIBIT 1**

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Steven B. Barger

Plaintiff

v.

First Data Corporation, et al.

Defendant

Civil Action No. 1:17-cv-04869

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Julie Kelly, 823 Dorgene Lane, Cincinnati, OH 45244

(Name of person to whom this subpoena is directed)

✓ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Cook & Logothetis, LLC  
30 Garfield Place - Suite 540  
Cincinnati, OH 45202

Date and Time:  
06/25/2018 10:00 am

The deposition will be recorded by this method: Stenographically and will continue day to day until complete

**Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/16/2018

CLERK OF COURT

OR

/s/ Gary B. Eidelman

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendants,

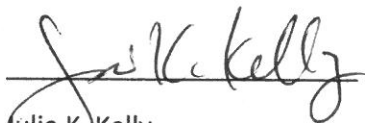
, who issues or requests this subpoena, are:  
Gary B. Eidelman, Esq., 500 E. Pratt St., Ste. 800, Baltimore, MD 21202; gary.eidelman@saul.com; 410-332-8975

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

I, Julie Kelly, hereby certify that:

1. I was ordered to show for a deposition today, June 25th, 2018. This was for the Steven Barger case, which I do not have any council or representation on. While I responded to the FD attorney, Mr. Gary Eidelman 2 times, he never formally cancelled the meeting and I felt obligated to show up.
2. My 3 small children and I went downtown this morning for the meeting at the offices of Cook and Logothetis, 30 Garfield Place, Cincinnati OH. (I was told they would provide childcare), arrived on time, 10:00am, and there was no one there. Nor, did anyone at the law firm know of a scheduled deposition for that day and time. To prove that I was there, I took photos and videos.
3. Furious that FD and this law firm would act so incredibly unprofessional, I sent a handwritten note (also attached) to Mr. Eidelman. I don't know if this type of behavior is common or not, but it clearly shows disrespect and continued aggression toward me and my children.
4. I certify that that foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Julie K. Kelly

Dated: June 25, 2018

# **EXHIBIT 2**

6/25/18

Gary,

I never received a confirmed cancellation of my June 25<sup>th</sup> deposition for the Burger case so I felt obligated to show up. I was dismayed to find no one there at the 30 Crawford Place, Suite 540 address.

This seems extremely unprofessional to me, and again disruptive to myself & family.

I have not heard back from you after my last letter and if we need to set a reschedule date, please use USPS to communicate next steps. As you know, I do not have any legal representation for this case.

Regards -

Julie Kelly

10:30am

# **EXHIBIT 3**



## Julie Kelly

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**From:** Julie Kelly <jul\_glad@mac.com>  
**Sent:** Tuesday, July 24, 2018 11:29 AM  
**To:** 'Eidelman, Gary B.'; 'Cooper, Gillian A.'  
**Cc:** 'matthew.byrne@jacksonlewis.com'; 'barry.levin@saul.com'; 'jul\_kelly@mac.com'  
**Subject:** Rule 11

**Importance:** High

TO: Mr. Eidelman and Ms. Cooper,

Due to your repeated harassment and your employer, Saul Ewing's refusal to stop your harassment of me, I have been forced to stop my job search and spend my time online, figuring out how to represent myself in the Barger v. First Data case.

I read on AVVO, and then researched something called a "Rule 11". It is my understanding that when a lawyer lies to the court the lawyer for the other party who is being mistreated (I guess at this point my lawyer in this case is me) can do a Rule 11.

I am doing a Rule 11.

I have to write you a letter, so I am telling both of you that the subpoena you issued to me which you claim to need to "compel" is not valid.

I had raised issues about the service since you used a FedEx impersonator to serve me, but Mr. Eidelman said I needed to testify anyway. I believed he was my lawyer at that time. I still think both of you are my lawyers because you told the judge that I can only be reached in the Barger case through you. I think that makes you my lawyers.

But then I found out that Ms. Cooper went against me in my case to the State on July 3<sup>rd</sup> and then tried to get me to call her on the same day about the Barger case.

Now I think I must be my own lawyer because you are lying to me and the court. I contacted your boss, Mr. Barry Levin, and tried to find out what is going on here. He never answered. Instead, someone named "Tim Callahan, II" responded. I don't know who he is, but he must work for Saul Ewing.

I am trying to get some help and clarity only no one will help me. Is my name still on that list you gave the judge that says to contact me through you? Why was it on that list if you are not my lawyers?

Anyway, here is the Rule 11. You want the Court to compel my deposition. The problem is, I already showed up for my deposition – on the exact day and time at the exact location once Mr. Eidelman assured me that childcare would be taken care of, I assumed he was telling the truth, so I did what the papers told me to do.

No one from Saul Ewing, or any place else had ever told me that my June 25<sup>th</sup> deposition was cancelled. Saul Ewing and First Data just stood me up. I have been in constant contact with your law firm since June 25<sup>th</sup> by email and letter. No one has tried to ask me what date would work for me for this testimony that I already tried to give. In fact, Mr. Tim Callahan, II, told me he wasn't sure if he could even talk to me. Why? Who even is he? This is pure harassment. Why isn't anyone just writing a new date in the emails you are sending and asking if I can testify on that date? I'm not a mind reader – I don't know what dates the court gave you. No matter what, everything I can find online says that I showed up for my deposition exactly as it is written on the notice and you didn't. You have never written to me since June 25<sup>th</sup> to suggest a new date or apologize to me and my children. All you do is threaten me. I am trying to follow the rules. I ask you who you are – I ask you to help me – and you threaten me. You never suggested a different date after you blew me

and my kids off last month, even though I communicate with your firm at least twice a week. You won't even tell me if my name is still on the judges list. I haven't slept in a month and I am missing job opportunities because I'm so stressed out.

AVVO says that you cannot compel me without a valid subpoena. I already complied with the one you had that FedEx impersonator deliver. Your "motion to compel" is a lie – based on a lie. You can't "compel" someone to do what they already did. The internet says you have 21 days to tell the Court that you are wrong and take that motion back.

You both know that:

1. You NEVER told me that the June 25<sup>th</sup> date was cancelled or rescheduled
2. The lawyers at the law firm you sent me to said that there was never a deposition scheduled on that day
3. Gary Eidelman promised child care
4. I have written you many times since June 25<sup>th</sup> and you have never one time told me a new date even though you have responded
5. All you do is threaten me
6. I have never refused to show up – you did. I should file a "motion to compel" you. Except I think you are still telling the judge that I am on your list.
7. You can't lie to the Court and tell them to order me to do what I already did.
8. You must tell the Court the truth and pick a new date
9. You must tell that judge you aren't my lawyers and that you lied about that, too.
10. Some other lawyer or at least some other lawyer at Saul Ewing should have filed against me with the State. You are just being greedy and punishing me for filing my claim against your BFF at First Data, even though you told the judge you are my lawyer for First Data.

In conclusion, please tell the Court the truth – that there is no subpoena anymore because I went to my deposition on June 25<sup>th</sup> and you didn't and you never told me a new date. If you don't do that within 21 days, I will file my motion against you both.

I really need to find work and you are taking all my time with writing and researching so I don't get in trouble when you are the ones who lied to me and ditched me and my kids. Please stop trying to ruin my life. I told Tim Callahan, II, that Saul Ewing's lawyer needs to contact me. Maybe that lawyer can tell me when you have fixed your lies with the Court.

Respectfully,



Julie Kelly